THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22696 of 2006

03.11.2006

Between:

Smt.Mudunuru Janaki, W/o.Ramachandra Raju

… Petitioner

AND

The Secretary, Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22696 of 2006

ORDER:

The petitioner herein purchased land admeasuring Acs.5.06 in survey No.124 situated at Kilthampalem Village of S.Kota Mandal in Vizianagaram District under a registered sale deed dated 03.6.1982. The fourth respondent initiated action under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) alleging that the petitioner purchased the assigned land allotted to the vendor of the petitioner. The petitioner submitted explanation. After considering the same, the Mandal Revenue Officer (MRO), S.Kota Mandal, passed orders under Section 4 of the Act ordering resumption of the assigned land for contravention of the provisions of Section 3(2) of the Act. The petitioner was unsuccessful in her appeal before the Revenue Divisional Officer (RDO), Vizianagaram and further appeal before the Joint Collector, Vizianagaram. Therefore, the petitioner preferred a revision under Section 4-B of the Act before the Government, who also dismissed the same. Assailing the revisional order dated 09.8.2006 passed by the first respondent, the present writ petition is filed.

Learned Counsel for the petitioner submits that the petitioner is a *bona fide* purchaser and that having purchased the land in 1982 she had perfected her title by adverse possession and, therefore, the provisions of the Act cannot be attracted. Secondly, the revisional

authority considered the matter and passed orders routinely without recording any reasons and, therefore, the same is unsustainable. He submits that the land purchased by the petitioner is not assigned land and that there was no material before the original authority as well as appellate and revisional authorities to surmise that the land in survey No.124 purchased by the petitioner is assigned land.

This Court has perused the order dated 09.5.1998 passed by the MRO, the order dated 16.7.2005 passed by the RDO, the order dated 08.2.2006 passed by the Joint Collector and the order dated 09.8.2006 passed by the Government. The submission that the land purchased by the petitioner is not assigned land cannot be accepted. The MRO in his order considered this aspect. The land was assigned to Sunkari Radhamma. During the verification of the assigned land in Kilthampalem Village, it was found that Radhamma sold the land to the petitioner for a sum of Rs.5,100/- as she wanted money for her medical expenses. Indeed in the explanation submitted by her, the petitioner urged that the assignment granted to Radhamma ought to have been cancelled and the petitioner's application for assignment of the land ought to have been considered. This would clinchingly show that the land in question is assigned land and the submission made by the learned Counsel for the petitioner cannot be accepted. A perusal of the order passed by the first respondent would show that the Government examined the revision petition of the petitioner with reference to the records and contentions raised by the Advocate for the petitioner and came to the conclusion that there are no mitigating circumstances favouring the petitioner. The order passed by the Government is unexceptionable.

The writ petition is misconceived and is accordingly dismissed. No costs.

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November 03, 2006 (**V.V.S.RAO,J**)

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